



**STATE OF CALIFORNIA, COUNTY OF SIERRA
BOARD OF SUPERVISORS
ACTION/SUMMARY MINUTES
REGULAR MEETING**

Lee Adams, District 1

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Peter W. Huebner, District 2

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Paul Roen, Vice-Chair, District 3

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Jim Beard, District 4

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The Sierra County Board of Supervisors met in regular session commencing at 9:00 a.m. on December 3, 2013 in the Board of Supervisors' Chambers, Courthouse, Downieville, CA.

PLEDGE OF ALLEGIANCE: Led by Downieville School Students:
Mathew Lozano
Kaylon Hall
Sierra Folsom
Austin Foster
Aaron Foster
Jesse Folsom

ROLL CALL

Present: Lee Adams, Supervisor, District #1
Peter W. Huebner, Supervisor, District #2
Paul Roen, Supervisor, Vice-Chair, District #3
Jim Beard, Supervisor, District #4

Absent: Scott A. Schlefstein, Chair, Supervisor, District #5

Staff: Heather Foster, County Clerk-Recorder
Christian Curtis, Deputy County Counsel
Van Maddox, Auditor/Treasurer Tax-Collector
Tim Beals, Director of Planning and Transportation
April Waldo, Interim Director of Health and Human Services

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APPROVAL OF REGULAR AGENDA

The Board moved to approve the Regular Agenda.

APPROVED. Motion: Huebner/Adams/Unanimous Roll Call Vote: 4/0/1 (Chairman Schlefstein)

2. PUBLIC COMMENT OPPORTUNITY

Ms. Kaylon Hall, Downieville School Student thanked the Board and Clerk for allowing them to attend and participate in the meeting.

3. COMMITTEE REPORTS & ANNOUNCEMENTS

Supervisor Adams reported that the Board of Supervisors' Natural Resource, Planning and Building Standing Committee will be meeting next Monday at 9:00 a.m. on the issue of medicinal marijuana.

Vice-Chair Roen reported that he and Supervisor Huebner met with Sierraville District Ranger Quentin Youngblood regarding a project concerning the water resolution and they believe the project should move forward.

4. DEPARTMENT MANAGERS' REPORTS & ANNOUNCEMENTS

No reports given.

5. FOREST SERVICE UPDATE

North Yuba District Ranger Karen Hayden updated the Board on the Christmas tree pilot program; they are extending existing fuel wood permits through the end of the middle of the month; and that they are removing the hazmat materials from house down at the USFS compound in Downieville.

Supervisor Adams questioned if the debris is going somewhere other than the County's waste system.

District Ranger Hayden responded that she wasn't sure, however she didn't believe it was going into the County's system.

6. BOARD OF SUPERVISORS

6.A. Presentation of donation by Supervisor Huebner on behalf of the Employees of CSAC Excess Insurance Authority in Folsom California to the Western Sierra Residential Center. (SUPERVISOR HUEBNER)

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Supervisor Huebner thanked everyone in attendance and the Board of Supervisors' for allowing him time to make the presentation to the Western Sierra Residential Center (WSRC). Supervisor Huebner further reviewed the importance of the WSRC with respect to meals, socializing, learning, etc. and they have a very active senior group and nonprofit organization. Supervisor Huebner added that the employees of the CSAC EIA in the Folsom office have been secretly donating money towards the WSRC instead of funding their annual Christmas party.

Ms. Sherri Allen, Ms. Joyce White and Mr. John Funk presented the check in the amount of \$17,387.84 to the Western Sierra Residential Center.

- 6.B. Discussion and authorization to provide testimony on behalf of Sierra County at the December 4, 2013 hearing of the Assembly Water, Parks and Wildlife Committee Meeting on December 4, 2013 in Redding, California. (VICE-CHAIR ROEN)

Following brief discussion the Board moved to authorize the Director of Planning to write a letter.

APPROVED. Motion: Huebner/Adams/Unanimous Roll Call Vote: 4/0/1 (Chairman Schlefstein ABSENT)

- 6.C. Resolution terminating Public Services Cooperative Agreement between the County of Sierra and the City of Loyalton. (VICE-CHAIR ROEN)

Vice-Chair Roen introduced the item noting the Board held a special meeting last week and this was a continuance of that meeting.

County Counsel briefly reviewed the proposed resolution noting it effectively provides for two courses of conduct: One is to terminate the agreement immediately and the other effectively provides the City with the option to approve the attached Mutual Agreement for Termination of Public Services Cooperative Agreement which provides for a transition wherein the County will finalize any outstanding unexpired building permits. County Counsel also noted a letter was just received by the Clerk's office from the Mayor of the City of Loyalton.

Supervisor Adams thanked County Counsel for preparing the resolution and suggested that should the Board pass this resolution it doesn't preclude the City from requesting the County to enter into a future agreement for services.

The Director of Planning indicated that since 2011 the County has issued fifteen permits and nine of these are still open. The Director added that his office has received a couple of calls from people concerned with being in the floodplain and they want to make sure that they have access to flood insurance in this transition. The Director explained that he is not sure who at the City is going to be the Floodplain Administrator

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and anyone in the City that has a conventional loan should be concerned about this transition.

The Director continued to express concerns regarding comments made by Councilmember McHenry at the last Board meeting. The Director added that he intends on attending the City Council meeting when they address this issue in order to make sure the residents of Loyalton and the balance of the City Council hear what really happened.

County Counsel referred to the proposed resolution and the December 6, 2013 date of termination.

Supervisor Huebner indicated that he was surprised by the presentation by Councilmember McHenry at the last meeting, noting the burden is now on the County. The document presented to the Board was a slap in the face to the County.

Supervisor Adams commented that unfortunately until the balance of the City Council speaks, Councilmember McHenry's voice carries for them and no one from the City has challenged what he has said. Supervisor Adams added that December 6, 2013 is as good a day as any with respect to a termination date.

Supervisor Adams further questioned if this gives the Director enough guidance on what to do with existing permits and the timeline for getting these permits finalized.

The Director indicated that it would be well worth it to establish a deadline for existing permits to be completed or else they will be transferred to the City. He doesn't believe the County should have an ongoing open ended structure. Technically, from a code perspective some jurisdictions require that if a permit isn't finalized within two years they have to reapply, pay new fees and meet the new building codes.

Supervisor Adams suggested adding a bullet point to the proposed resolution stating any existing permits are to be finalized within 24 months from the date of issuance otherwise they expire and they will have to reapply with whoever is in charge at the City.

County Counsel suggested just adding "all permits shall be finalized within two years from the date of issuance".

Following further discussion, the Board moved to adopt the resolution terminating Public Services Cooperative Agreement between the County of Sierra and the City of Loyalton as amended to include "outstanding permits shall be finalized within 24 months of issuance or any previously approved extension whichever is later" within both the proposed resolution and the Mutual Agreement for Termination of Public Services Cooperative Agreement.

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Supervisor Adams reiterated that if the City's trial period doesn't go as planned, he would certainly be willing to talk again.

By consensus, the Board authorized the Director of Planning to attend the city Council meeting in order to clear up any miscommunications.

ADOPTED as amended, Resolution 2013-115 and **APPROVED as amended**, Agreement 2013-116. Motion: Adams/Huebner/Unanimous Roll Call Vote: 4/0/1 (Chairman Schlefstein ABSENT)

The Director further explained that his office processed over 150 emails to the City in the last sixteen months giving them guidance with respect to various road and street issues, the city park project, the middle school project, Proposition 84 grant applications, sewer issues, etc. The Director further clarified that what was alleged in the document presented by Councilmember McHenry last week was not a planning services issue; it was a public works and road department management issue for Proposition 40. On April 19th and May 17th there was a request from Councilmember McHenry to appear before the Board of Supervisor to request assistance and the Board determined an agreement would be needed. The Director added that County Counsel drafted that agreement, it was shipped to the Board, the City Council and himself on June 8th and the County didn't hear back from the City until August 10th. The message was clear that the services for the Loyalton Park were to be conducted by an agreement. The Board approved the agreement on June 21st and the City declined to sign the agreement. The City continued to request advice from the County however it was clear that this needed to be done by agreement.

6.D. Amendment to Agreement No. 2007-130 between the County of Sierra and Shaw Valenza LLP, for use of law firm for personnel issues.

The Auditor indicated that there are some personnel issues coming up and most of this will come out of Health and Human Services.

The Board moved to approve the amendment to Agreement No. 2007-130 between the County of Sierra and Shaw Valenza LLP, for use of law firm for personnel issues.

APPROVED, Agreement 2013-118. Motion: Adams/Beard/Unanimous Roll Call Vote: 4/0/1 (Chairman Schlefstein ABSENT)

6.E. Discussion/direction regarding the process for interviews for the Director of Health and Human Services. (CLERK OF THE BOARD)

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The Clerk indicated that Mike Fillippini was unable to serve on the interview panel. The Clerk added that Court Executive Officer Lee Kirby and the County Public Health Officer Dr. Ken Cutler have expressed interest in serving on the panel.

County Counsel indicated that Retired Judge William Pangman and the Director of Planning have confirmed that they are willing to serve.

Supervisor Adams suggested contacting Klaus Ludwig to determine if he is available and if not then to have only a three member interview panel. Also, if the Nevada County Director of Health and Human Services cannot serve to find someone from a similar agency.

By consensus the Board directed staff to determine if Klaus Ludwig is willing serving on the panel and if not, to only have a three member panel consisting of Retired Judge William Pangman, the Director of Planning and the Nevada County Director of Health and Human Services or a Director from a similar agency.

7. HEALTH AND HUMAN SERVICES - April Waldo

- 7.A. Agreement between Sierra County and Kings View Corporation for Electronic Health Record Information System and All Pay Sources Billing Services.

County Counsel indicated that the Acting Director of Health and Human Services provided a red lined version of the agreement and that he appreciates her getting this together and through her tenacity they were able to change a significant amount of the agreement.

In response to Supervisor Adams' inquiry, County Counsel indicated that he was pleased that the contractor accepted many of the major changes, however he has concerns still with the overall contract.

Following brief discussion, the Board moved to approve the agreement between Sierra County and Kings View Corporation for Electronic Health Record Information System and All Pay Sources Billing Services.

APPROVED, Agreement 2013-117. Motion: Adams/Huebner/Unanimous Roll Call Vote: 4/0/1 (Chairman Schlefstein ABSENT)

12. TIMED ITEMS

12.A. 10:00 A.M. PLUMAS NATIONAL FOREST

Deb Bumpus, District Ranger, Beckwourth Ranger District (Plumas National Forest) will appear before the Board to discuss the Plumas National Forest Schedule of Proposed Actions as it affects the Gold Lake Boat Launch Ramp Facility, as well as other proposed actions that impact Sierra County.

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The Director of Public Works indicated that Deb Bumpus was unable to attend the meeting due to weather.

- 7.B. Resolution approving Agreement, (State No. 13-20311), for the Immunization Program for Fiscal Years 2013/2014, 2014/2015, 2015/2016, and 2016/2017 between the State of California Department of Public Health (CDPH) and Sierra County.

The Acting Director of Health and Human Services provided background on the program and the concerns sent to the state with respect to Exhibit C, the general terms and conditions of the proposed contract. The Acting Director explained that the state confirmed they have established that the general contract terms and conditions are standard contract language and are utilized in all contracts except interagency contracts. This language has also been in effect since June 9, 2010 and is controlled by statute. Exhibit C has been attached to prior agreements including prior immunization contracts.

The Acting Director added that Department of Public Health purchases the distributed vaccines through a separate contract with the Center of Diseases Control. The Acting Director further explained that under the National Childhood Vaccine Injury Act, people with any claims of injury or deaths must first exhaust all of the remedies through this federal compensation program before pursuing any further legal action against any other entity, administration or persons.

County Counsel continued to express frustration with the indemnification clause in the agreement wherein the County agrees to indemnify and hold the state harmless. County Counsel also expressed frustration of hearing oral representations from the state as it doesn't negate the language in the contract.

The Board moved to adopt the resolution approving Agreement, (State No. 13-20311), for the Immunization Program for Fiscal Years 2013/2014, 2014/2015, 2015/2016, and 2016/2017 between the State of California Department of Public Health (CDPH) and Sierra County.

ADOPTED, Resolution No. 2013-116 and **APPROVED**, Agreement 2013-119. Motion: Adams/Huebner/Unanimous Roll Call Vote: 4/0/1 (Chairman Schlefstein ABSENT)

8. AUDITOR / TREASURER-TAX COLLECTOR - Van Maddox

- 8.A. Resolution authorizing use of Title III funding in the amount of \$34,685.00 to reimburse the participating local governments for search and rescue and other emergency services, including fire fighting.

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The Board moved to adopt the resolution authorizing use of Title III funding in the amount of \$34,685.00 to reimburse the participating local governments for search and rescue and other emergency services, including firefighting.

ADOPTED, Resolution 2013-117. Motion: Adams/Huebner/Unanimous Roll Call Vote: 4/0/1 (Chairman Schlefstein ABSENT)

9. PUBLIC WORKS / TRANSPORTATION - TIM BEALS

- 9.A. Discussion and update on acquisition of property from the City of Santa Clara to expand the boundaries of the Loyalton Landfill.

The Director of Public Works explained that the City of Santa Clara is willing to sell for \$1,350 per acre which is an additional \$17,500 to the original purchase price and could proceed with the condemnation. The City has suggested that County Counsel talk to the City Attorney to set the stage for closing the deal. The original appraisal that came in from Jim Hardy was \$1,000 per acre.

The Board moved to direct staff to proceed with the offer of \$1,350 per acre.

APPROVED. Motion: Adams/Huebner/Unanimous Roll Call Vote: 4/0/1 (Chairman Schlefstein ABSENT)

- 9.B. Resolution rescinding Agreement 2013-079 and approving updated Third Amendment to Cooperative Agreement for Improvements and Use of the Sierraville School.

County Counsel reviewed the proposed agreement and the changes made to item 2.

The Director of Public Works briefly explained the purpose of the changes to item 2 of the agreement with respect to rental payments made for the lease of the modular office building being maintained by the County and 20% of said rental payments shall be made available at the request of the Sierra-Plumas Joint Unified School District for making repairs or improvements.

Following brief discussion, the Board moved to adopt the resolution rescinding Agreement 2013-079 and approving updated Third Amendment to Cooperative Agreement for Improvements and Use of the Sierraville School.

ADOPTED, Resolution 2013-118 and **APPROVED**, Agreement 2013-120. Motion: Adams/Huebner/Unanimous Roll Call Vote: 4/0/1 (Chairman Schlefstein ABSENT)

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10. PLANNING / BUILDING - Tim Beals

10.A. Request to set date and time for a public hearing for Sposito project consisting of a zone change and tentative parcel map.

By consensus the Board set the public hearing for December 17, 2013 at 10:00 a.m.

11. CLOSED SESSION

11.A. Closed Session pursuant to Government Code Section 54956.9(a)(1) to discuss the following litigation: Wayne DeLisle v. County of Sierra etal; Sierra County Superior Court Case No. 7429.

The Board met in closed session from 10:45 a.m. to 11:03 a.m. County Counsel reported the Board has been advised of a written petition and complaint by Mr. Wayne DeLisle and the Board has authorized County Counsel to retain outside counsel at the necessary stage.

13. CORRESPONDENCE LOG

13.A. Letter from Alan Miller, California Regional Water Quality Control Board regarding a draft amendment to Order number R6T20130040, for the Stampede Dam Safety of Dams Modification Project.

No action taken.

13.B. Letter from Bill Nunes, Chairman, Sierra Valley Resource Conservation District regarding the Upper Dotta Canyon Meadow Restoration Project.

No action taken.

ADJOURN

At 11:03 a.m., with no further business, Vice-Chair Roen adjourned the meeting.

PAUL ROEN, VICE-CHAIR
BOARD OF SUPERVISORS

ATTEST:

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HEATHER FOSTER
CLERK TO THE BOARD